

COMMISSIONERS APPROVAL

GRANDSTAFF

Cg

ROKOSCH

THOMPSON

AT

CHILCOTT

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DRISCOLL

Q

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta Grandstaff, Commissioner Greg Chilcott, Commissioner Alan Thompson, and Commissioner Kathleen Driscoll.

Date..... June 3, 2008

Minutes.....Beth Perkins

► Commissioner Rokosch attended the Montana Conservation Restoration and Preservation Partnership meeting in Bozeman.

► The Board met to discuss and decide on the allocation of subdivision contributions. Present were Civil Counsel Karen Mahar, Planning Director Karen Hughes, Planner Jennifer Degroot, Planner John Lavey, Internal Auditor Klarryse Murphy, Comptroller Jana Exner and Treasurer JoAnne Johnson.

Commissioner Grandstaff called the meeting to order. She stated there are two issues at hand with the contribution which are creating a line item and tracking it. Klarryse stated she has already set up the line items. She would need to know when the money comes in if it was specified to certain accounts. She presented the Board with a sheet of contributions collected to date. Board discussion followed regarding allocation based on budget for practical use.

Karen Mahar stated there needs to be agreement on consistent coding to identify the subdivision and the mitigation fee for tracking purposes. Klarryse stated the existing coding is for the Treasurer. She stated she has met with Karen Hughes on several occasions. Karen Mahar stated there is a preliminary plat approval that will outline the agreed mitigation by way of an attached memo.

Commissioner Driscoll suggested involving the title companies to track payment of the agreed mitigation payable upon first conveyance with C.P.I. (Consumer Priced Index). Klarryse stated it would be the easiest way to track it. Karen Hughes stated there is a plat

decision to be done and that is the time to add the mitigation agreement. It would work like the pro rata shares. JoAnne agreed with Karen Hughes. Commissioner Grandstaff reiterated a scenario of a developer wanting to pay mitigation and the steps they would have to go through. She then suggested placing the mitigation collected for general services into the general fund. Board discussion followed regarding allocation of funds before or after budget approval.

Klarryse asked what are they supposed to be used for. Is it going to be transferred out to public safety? She then suggested placing the money into a general cash fund and transfer into the general fund. Commissioner Grandstaff discussed the Open Lands Program mitigation. Klarryse replied she has covered it with Karen Hughes. She stated the fund title will be Subdivision Mitigation with the different line items.

Karen Mahar requested Klarryse to sit down with her and draft a procedure process for the collection and allocation of the mitigation fees. It was further discussed there would be a drafted memo with the agreed mitigation per subdivision and copied to Clerk & Recorder, Treasurer, and Accounting. When the money comes in, it will be payable at the Treasurer's Office, Klarryse will code it and any remaining mitigation to be paid will be filed with the plat and collected by the title companies for tracking.

► The Board met for budget hearing for the following: Administrative Services; Commissioners; Indigent Burial; Veterans Burial; DUI Task Force; Darby and Bitterroot Public Library.

► The Board met for administrative matters as follows:

- Approval of Emergency Shelter Grant application with Human Resource Council. Present was Jim Morton of HRC. Jim presented the Board with a spreadsheet of the past grant allocations. **Commissioner Chilcott made a motion to approve the letter for the Emergency Shelter Grant application for the Human Resource Council. Commissioner Thompson seconded the motion. All voted 'aye'.**
- Renewal of Airport Lease #281 – **Commissioner Chilcott made a motion to renew Airport Lease #281 for Jon Miller. Commissioner Driscoll seconded the motion. All voted 'aye'.**

Minutes: Glenda Wiles

► Commissioner Thompson left to attend a Human Resource Council meeting in Missoula during the afternoon hours.

► The Board met with Attorney Michael Hayes for a discussion and decision on the representation of the Department of Public Health and Human Services contract with the County. Also present for this discussion was County Attorney George Corn. Michael indicated he has represented the DPHHS cases in Ravalli County since January of 1997.

Beginning 2003, Michael has been contracted and paid for by the county since the State of Montana mandated these cases be paid for by the counties rather than the state. As of June 2008, there are 52 open cases involving 33 different families. Since 2001, there have been approximately 50-70 petitions per year. Thus far, he has never had one reversal by Montana Supreme Court. Despite significant changes and additional complexity in the law over the past five years, the cost to the county for his services has not increased. Michael stated these cases are carefully scrutinized because they are constitutional cases where someone's parental rights are being repealed. Michael also noted recent changes in the law increases the time and demand on prosecutors which include a requirement of written findings for every hearing, with strict time line being adhered to. He noted they have an average of three significant hearings per case, which include: OSC hearing, Adjudicatory hearing and the Final Permanency Hearing which is at the termination stage. New statutory requirements are the new case filings must be for each child, rather than by family; new mandatory notices to parents, foster parents; with Public Defenders Office and conflict counsel being mandatory at initial stages for each parent, child, and/or guardian. These new requirements create more time and demand on counsel.

Michael noted the contract price has not changed since last year. The Commissioners thanked Michael for not increasing his contract prices.

Commissioner Chilcott made a motion to execute the contract for professional legal services for representation of the Department of Public Health and Human Services in Ravalli County for Fiscal Year 2008. Commissioner Driscoll seconded the motion and all voted "aye".